



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday, October 1, 2012 at 6:00 P.M. Community Room, Town Offices, 25 Bryant Lane
Members Present: Selectwoman Karyn Puleo, Selectman Rick Reault, Selectman Robert Jackson, Selectman Allen Curseaden, Selectman Corliss Lambert.
Staff Present: Town Administrator Michael Gilleberto, Admin Assistant Pam Berman
Absent: Admin Assistant Therese

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman called the meeting to order. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

2. Meeting minutes Pending - No Action Taken

A. Monday September 17, 2012 (regular and executive session)

B. Monday September 24, 2012 (regular session)

3. Citizen/Business Time No one came forward

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. 6:05 PM New Business

A. Street Acceptance Hearing:

Selectman Reault, the Board's Clerk, read the legal notice for the Street Acceptance of the following streets: **Black Oak Circle, Cedar Lane, Cypress Lane, Hemlock Lane, Nandina Drive, Overlook Drive, Primrose Lane, and Sequoia Drive.** The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to waive the reading of the abutter lists. The Chairman asked if there were any residents in attendance what were for or against the acceptance of any of these streets. No one came forward. The Board voted 5-0-0 on a motion by Selectman Curseaden, second by Selectman Lambert to close the public portion of the hearing. The Board voted 5-0-0 on a motion by Selectman Reault, Having complied with the requirements of MGL Chapter 82 Sections 22-24, and having conducted a public hearing after notice to abutters, I move that the Board of Selectmen lay out the following roads as public ways and accept said way, as per two communications from the Planning Board dated September 25, 2012, Further I, move that the laying out of the ways be filed with the Town Clerk in advance of requested Town Meeting action at the October 26, 2012 Special Town Meeting, second by Selectwoman Puleo. Discussion: Selectman Lambert asked - could you explain why accepting these streets is important to the town? Chairman Jackson explained that the Chapter 90 funding source that comes to the town annually with all accepted streets. With these streets, the town will receive an additional \$12,000 in chapter 90 money every year. No further discussions.

B. Old Town Hall Utility Easements:

- **Nation Grid, and Verizon**

The Administrator presented the request from National Grid's request for a easement on Town property on the east side of the Old Town Hall. Town meeting previously authorized the Board of Selectmen to grant this easement. Negotiations have been ongoing and with the help of Selectman Curseaden, National Grid will be performing \$20,000 worth of in-kind services for the town to upgrade the service at the Old Town Hall as part of the easement grant.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to grant National Grid an easement pursuant to their request of March 2, 2011, on the condition that a) the easement be directly east of the driveway; b) they upgrade service to the Old Town Hall by installing necessary transformers, wires, and other equipment to bring service to a "handhole" to be installed east of the basement door of the Old Town Hall at no cost to the Town; and c) that approval be conditional to Town Meeting approval of a warrant article amending the June 6, 2011 approval to reflect the re-location of the easement off of the driveway and onto the land directly east of the driveway.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to grant National Grid a permit to install electrical conduit under Kendall Road for purposes of servicing the Old Town Hall and the private residences behind Old Town Hall, as well as grant such a permit to Comcast and Verizon upon receipt of such a request.

5. Joint Meeting with Finance Committee (continued)

The Finance Committee joined the Board of Selectmen to continue to review the remaining financing article. Members present were Robert Mullen, Chris Mellen, Scott Hammer, and Darryl Wickens.

- **Greater Lowell Technical High School proposed renovation project**

Article 15 is the GLTHS proposed renovation project continued discussions; the Administrator and the Treasurer spoke to the GLTHS Administration who provided additional information regarding the validation of the debt service for the proposal. The Town Treasurer verified that for its accuracy for the tax payers. Also, inquired about the portion of the project that would require implementation regardless of whether or not the MSBA funding proceeded or not. The GLTHS Administration indicated that \$32 million in critical needs would need to be done fairly soon in order for the building to function. The Administrator recommends to that the article be placed on the Town Meeting Warrant excluding the debt exclusion language in order to allow time for further evaluation of funding alternatives. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to place Article 15 on the Town Meeting warrant excluding the debt exclusion language. Discussion: Selectman Reault asked if the Board will also voting to recommend the article. Selectwoman Puleo, this project is what's best for the students of GLTHS which Tyngsborough kids attend. The State funding is 77% of project. Selectman Jackson supports the project and to recommend it. Selectwoman Puleo amended her motion to recommend also, Selectman Curseaden supports the project. The motion by Selectwoman Puleo as amended reads to vote to place Article 15 on the Special Town Meeting Warrant with the exclusion of the debt exclusion language and to recommend the article, this motion was seconded by Selectman Curseaden. The motion passes 5-0-0 as amended.

The Finance Committee agrees with the Board of Selectman and voted 4-0-0 to recommend the article.

- **Financial Articles**

Article 13, Capital Asset and Free Cash appropriation depends on certification of Free Cash. The Administrator announced that free cash has not been certified yet so would not recommend an appropriation to the Capital Asset Stabilization fund at this time. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to withdraw article 13 from the Draft Town Meeting Warrant.

Article 19, Military Pay during training/duty needs further analysis. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to defer Article 19 to a future Town Meeting.

Articles 17,18,and 20, the Administrator noted that the Chief Assessor had wording changes as far as implementation dates of 7/1/2013.

The Finance Committee voted 4-0-0 to adjourn at 6:50 P.M.

6. Old Business

A. Special Town Meeting – continue review of warrant articles

• Non-financial Articles

Four articles regarding the utility easements were put on the Draft Warrant as a placeholder between articles 16 and 17 (known as Articles XX). The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to place on the Town Meeting Warrant and to recommend four articles (known as XX) on the Draft Town Meeting Warrant relative to the utility easements for Comcast, National Grid (electric), National Grid (gas), Verizon with the substitution of language for the Verizon Article per Town Counsel.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to place the Street Acceptance Articles (Articles 26-33) on the Town Meeting Warrant and to recommend with the amended language "Acceptance is made without additional cost to the Town".

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to place Article 16 (the Griffin Easement) as written on the Town Meeting Warrant.

Article 1 a citizen's petition per Town Counsel needs further review and discussion with the citizen who submitted it. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second Selectman Lambert to defer the placement of Article 1 to the Annual Town Meeting.

7. Citizen/Business Time – No one came forward.

8. Correspondence

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence as submitted. Discussion: A one day special liquor license request was received and will be placed on the October 22 meeting for action by the Board. The report by the ACO re a dog bite needs to be more detailed, will contact the ACO for more information. The ZBA submitted a Request for Comments from the Board concerning a Housing Authority Project was received; the Administrator has reviewed and has not comments at this time. Does the Board have any comments on the project? The Board had no objections. The Administrator will submit to the ZBA "No Comments". The Police Chief requests time before the Board to explain the surplus property program. Selectman Reault asked why can't the Board vote on this tonight instead of waiting for the next meeting? The Chairman explained that the Chief would like to explain the benefits of the program. Selectman Curseaden has no problem with the program. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to vote to accept the equipment with the condition of its required maintenance and approve the participation in the program under the signature of the Chief of Police, as proposed, this evening to see the program move forward immediately and to invite the Chief to the next meeting for a presentation.

The Animal Control Officers Association has forward changes in the State Law to the Town Clerk who forwarded them to the ACO.

The Pinpoint Location Consultants are looking to locate a shoe factory in town and asked if there would be any tax relief incentives in Tyngsborough. The Board would like to talk with Pinpoint about this potential business.

9. Review of Weekly Warrant

The Town Administrator read the following weekly warrants into the minutes. Warrant #13S for \$162,945.68 on 9/24/2012; Warrant #13P for \$1,029,909.98 on 9/24/2012; Warrant #13B for \$1,219,870.20 on 9/24/2012.

10. Town Administrator's Reports

- Response to Selectmen's Request

I sent a letter to MassDoT outlining the Town's concerns regarding ongoing state construction; and a letter to the Superintendent and I have sent to the School Building Authority regarding the current Town grant.

- Budget

We await certification of Free Cash from the Dept. of Revenue.

- Departmental Information

Fall Yard Waste collection will occur on Friday, November 16th and Friday, November 30th.

- Contracting/Procurement

As of last Thursday, the Sherburne Boardwalk was largely completed. There will be a dedication, likely in the spring.

- Other

Attended the Mass Development forum on Sept 19th there were many representative from many state agencies in attendance and I was able to make some good contacts.

Attached is the information regarding a Rourke Bridge Study Committee meeting that I have been invited to; and received a call from a Massapoag Road regarding runoff and his property, Mr. Hustins paid the resident a visit and the Highway Department will take some steps to improve the damage.

11. Selectmen's Reports

Selectman Reault attended the annual meeting of NMCOC on Oct 17th, and attended the Chapter 40B presentation with Selectman Lambert in Randolph the meeting was very interesting and informative. Selectman Lambert suggests we all get ready for the winter months that are fast approaching. Selectman Curseaden mentioned the Sheriff's Dept. training trailer was in town last week, Selectman Curseaden moves that we should send them a thank you note for the training, second by Selectman Lamber, the vote passes 5-0-0. Selectwoman Puleo, National Grid says they are ready for the winter, she asks what is different this year from last year's status? The Administrator suggested we could ask a National Grid Representative to come to a Selectmen's meeting to explain their readiness plans and the status of the Indian Lane Property on Monday, October 29 meeting. Selectman Jackson says a huge kudos to the folks working on the Street Acceptance project, good job. He suggests that the Board schedule a meeting with the Recreation Dept on Oct 29 to discuss the billboard and also ask the Board of Health to meet with the Selectmen about the solid waste contract.

12. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

A. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to enter into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel and to come out into adjournment. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Jackson, yes, Selectman Lambert, yes; Selectman Curseaden, yes.

13. Adjournment

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to adjourn the meeting. The meeting adjourned at 7:15 PM.

Respectfully Submitted by

Therese Gay
Admin Assistant

Approved on Tuesday November 13, 2012



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Notice

Monday, October 1, 2012 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

2. Meeting Minutes Pending

A. Monday September 17, 2012 (Regular and Executive Session)

B. Monday September 24, 2012 (Regular Session)

3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. 6:05 PM New Business

A. Street Acceptance Hearing:

- **Black Oak Circle**
- **Cedar Lane**
- **Cypress Lane**
- **Hemlock Lane**
- **Nandina Drive**
- **Overlook Drive**
- **Primrose Lane**
- **Sequoia Drive**

B. Old Town Hall utility easements:

- **National Grid**
- **Verizon**

5. Joint Meeting with Finance Committee (continued)

- **Greater Lowell Technical High School proposed renovation project**
- **Financial articles**

6. Old Business

A. Special Town Meeting – continue review of warrant articles

- **Non-financial articles**

7. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the

Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

8. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

9. Review of Weekly Warrants

10. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

11. Selectmen's Reports

12. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- A. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.**

13. Adjournment

Future Meetings

Special Town Meeting – Tuesday, October 16, 2012 at 7:00 PM at Tyngsborough Elementary School

Monday, October 22, 2012 at 6:00 PM at the Town Offices

Monday, October 29, 2012 at 6:00 PM at the Town Offices